THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

W.P. No.2234 of 2006

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Date: 07-02-2006

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Between:

E. Srinivasa Reddy, S/o Subba Reddy,

Aged about 39 years, Sub-Engineer/Operation,

West Section, A.P.S.P.D.C.L, Proddatur,

Kadapa District and others. … Petitioners

And

The Chairman and Managing Director,

A.P.S.P.D.C.L, Tirupati,

Chitoor District, and others. …Respondents

ORDER:

The petitioners, who were appointed as Sub-Engineers on 02-12-1999 in the A.P.S.P.D.C.L., filed this writ petition seeking directions by way of *Writ* of *Mandamus* that their appointments are to be effective from 28-10-1997 for the purpose of seniority, other benefits etc.

The petitioners were earlier working as contract labourers under the supervision of the contractor, for whom the work was entrusted by the Distribution Company. For the purpose of considering the claims of such persons, who are working as contract labourers, casual labour etc., under regular vacancies, the respondent board has issued guidelines in B.P. Ms. No.36, dated 18-05-1997 to consider their claims in permanent vacancies. Earlier, when their claims were rejected on the ground that the contractor, under whom the petitioners were working, was not a licenced contractor, they approached this Court by filing W.P. No.17487 of 1998 and same was disposed of by order dated 22-12-1998 directing the respondents to consider the claim of the petitioners without reference to the objection, that the contractor was not a licenced contractor. Pursuant to the said directions of this Court, all the petitioners were appointed on 02-12-1999 as Sub-Engineers and are working since then.

Learned counsel for the petitioners contends that the claims of the petitioners were rejected in the interviews, which were conducted on 28-10-1997 on untenable grounds. In that view of the matter, they are entitled for benefits of seniority and all other service benefits with effect from that date. The said submission cannot be

accepted. Admittedly, they were appointed as

Sub-Engineers in regular vacancies on 02-12-1999. The appointment was not a matter of right, but however, extending the benefit of board proceedings issued in B.P. Ms. No.36, dated

18-05-1997 their claims were considered. Merely because their claims were considered, at the first instance, on 29-01-1997, the petitioners who were appointed in regular vacancies only on

02-12-1999, do not have any right to seek service benefits with regard to the seniority and other benefits from 28-10-1997. There is no valid ground at all for the claim of the petitioners claiming benefits from 28-10-1997. Further, the petitioners, who were appointed on 02-12-1999, also cannot be permitted after this length of time for claiming seniority and other service benefits from the date anterior to their appointments. In that view of the matter, I do not find any valid ground to admit the petition.

Accordingly, the Writ Petition is dismissed, at the stage of admission. No order as to costs.

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R. SUBHASH REDDY, J

Date: 07-02-2006

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